

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

N.M., a Minor, and
C.F., as Parent and
Guardian of N.M.

Plaintiffs,

v.

WYOMING VALLEY WEST
SCHOOL DISTRICT

Defendants.

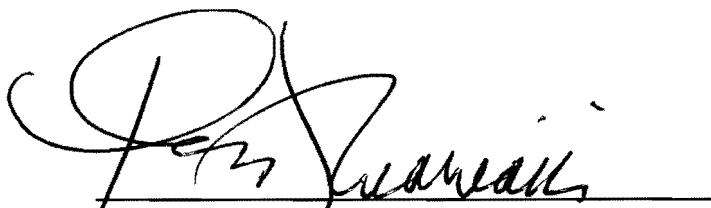
3:15-CV-01585
(JUDGE MARIANI)

ORDER

AND NOW, THIS 11th DAY OF MAY 2016, upon consideration of Defendant Wyoming Valley West School District's Motion to Dismiss Plaintiff's Complaint for failure to state a claim, (Doc. 6), all accompanying briefs, and for the reasons set forth in the accompanying memorandum opinion, **IT IS HEREBY ORDERED THAT** the Defendant's motion is **GRANTED IN PART AND DENIED IN PART**; to wit:

1. Defendant's motion to dismiss Plaintiff's appeal from the August 3, 2015 decision of the administrative hearing officer, Counts II, III, and IV, is **DENIED**.
2. Defendant's motion to dismiss Count I alleging a claim under Section 504 of the Rehabilitation Act is **DENIED**.
3. Defendant's motion to dismiss Count V alleging a claim under the American With Disabilities Act is **DENIED**.

4. Defendant's motion to dismiss Counts VI and VII is **GRANTED**. Plaintiff's Section 1983 claims are **DISMISSED WITHOUT PREJUDICE**.
5. Defendant's motion to dismiss Count VIII is **DENIED**.
6. Plaintiff's request for an order permitting it to supplement the administrative record is **GRANTED**.
7. **IT IS HEREBY ORDERED THAT 14 days from the date of this Order** Plaintiff shall submit to the Court the certified administrative record.
8. Plaintiff is **HEREBY GRANTED 14 days from the date of this Order** to file an Amended Complaint as to Counts VI and VII.
9. The Court **HEREBY DIRECTS** the participate in a telephone conference to discuss case management and all outstanding issues on **Tuesday May 17, 2016 at 11:00AM**. It shall be the responsibility of Plaintiff to arrange the call to Chambers at (570) 207-5750 and all parties shall be prepared to proceed before the undersigned is contacted.


Robert D. Mariani
United States District Judge